

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REPLENIUM INC.,

Plaintiff,

v.

ALBERTSONS COMPANIES, INC.,

Defendant.

Case No. 2:24-cv-1281-TL

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER FOR
EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

NOTE ON MOTION CALENDAR: October
7, 2024

Plaintiff Replenium, Inc. ("Replenium"), and Defendant Albertsons Companies, Inc. ("Albertsons") hereby file a stipulated motion for an extension of time for Albertsons to answer or otherwise respond to Replenium's Complaint, up to and including **October 11, 2024**. The parties further agree and stipulate that the following briefing schedule will govern should Albertsons respond with a Motion to Dismiss:

- Replenium's Opposition to Motion to Dismiss: **November 18, 2024**
- Albertsons' Reply to Motion to Dismiss: **December 5, 2024**

As good cause for this extension request, the parties provide that they met and conferred on October 2, 2024, spoke productively with regard to a number of issues arising during the early proceedings of this matter, and will continue to meet and confer. In light of the October 2, 2024 meet and confer, the parties have agreed a limited extension of time is appropriate to determine the most efficient way forward that preserves the parties' rights while maintaining the possibility of eliminating the need for unnecessary Court intervention.

Accordingly, the parties respectfully request that the Court—pursuant to Local Civil Rules

7(d)(1) and 10(g)—enter the Proposed Order below allowing Albertsons to file its responsive pleading by **October 11, 2024**, and otherwise extend the briefing deadlines as specified above in the event Albertsons responds with a Motion to Dismiss.

IT IS SO STIPULATED by and between the parties.

DATED: October 7, 2024

LANE POWELL PC

By: s/ Aaron Schaer

Aaron Schaer, WSBA No. 52122
Jesse Flickinger, WSBA No. 59396
schaera@lanepowell.com
flickingerj@lanepowell.com
1420 Fifth Ave., Suite 4200
P.O. Box 91302
Seattle, WA 98111-9402
Telephone: 206.223.7000

BALLARD SPAHR LLP

Brian W. LaCorte (*pro hac vice*)
lacorteb@ballardspahr.com
1 E. Washington Street, Suite 2300
Phoenix, AZ 85022
Tel: 602-798-5400
Fax: 602-798-5595

Attorneys for Defendant Albertsons Companies, Inc.

SUMMIT LAW GROUP

By: s/ Lawrence C. Locker

Lawrence C. Locker, WSBA No. 15819
Rebecca Singleton, WSBA No. 57719
Larryl@summitlaw.com
rebeccas@summitlaw.com
315 5th Ave., Ste. 1000
Seattle, WA 98104
Telephone: 206.676.7000

SPIRO HARRISON & NELSON

Jason C. Spiro (*pro hac vice* forthcoming)
Meredith Sharoky Paley (*pro hac vice* forthcoming)
40 Exchange Place, Suite 1404 New York, NY 10005
Tel.: (973) 232-0881 Fac.: (973) 232-0887
jspiرو@shnlegal.com
mpaley@shnlegal.com

Attorneys for Plaintiff Replenium Inc.

I certify that this memorandum contains 228 words, in compliance with the Court's Local Civil Rules.

~~PROPOSED~~ ORDER

Having considered the parties' Stipulated Motion for Albertsons to respond to Replenium's Complaint, the Court hereby ORDERS as follows:

1. The Stipulated Motion is GRANTED;
2. Albertsons will file its responsive pleading to Replenium's Complaint by **October 11, 2024**; and
3. If Albertsons responds with a Motion to Dismiss, then Replenium is provided until **November 18, 2024**, to file an Opposition, and Albertsons is provided until **December 5, 2024**, to file a Reply.

IT IS SO ORDERED.

DATED this 7th day of October, 2024.



Tana Lin
United States District Judge